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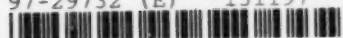
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Agenda item 39 (b)OCEANS AND THE LAW OF THE SEA: AGREEMENT FOR THE
IMPLEMENTATION OF THE PROVISIONS OF THE UNITED
NATIONS CONVENTION ON THE LAW OF THE SEA OF
10 DECEMBER 1982 RELATING TO THE CONSERVATION AND
MANAGEMENT OF STRADDLING FISH STOCKS AND HIGHLY
MIGRATORY FISH STOCKSReport of the Secretary-General

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. INTRODUCTION	1 - 4	2
II. INFORMATION PROVIDED BY STATES	5 - 33	3
III. INFORMATION PROVIDED BY INTERNATIONAL ORGANIZATIONS ..	34 - 63	8
A. Specialized agencies of the United Nations system	34 - 38	8
B. Organs, organizations and programmes of the United Nations system	39 - 42	9
C. Regional and subregional fisheries organizations and arrangements	43 - 60	10
D. Other intergovernmental organizations	61 - 63	13
IV. INFORMATION PROVIDED BY NON-GOVERNMENTAL ORGANIZATIONS	64 - 71	14
<u>Annex.</u> Status of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks		17



I. INTRODUCTION

1. In its resolution 51/35 of 9 December 1996, the General Assembly recognized the significance of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the 1995 Fish Stocks Agreement") as an important contribution to ensuring the conservation and management of the two fish stocks concerned, emphasized the importance of its early entry into force and its effective implementation, and called upon all States and other entities that had not done so to ratify or accede to it and to consider applying it provisionally.
2. The General Assembly, while taking note with concern that many commercially important straddling and highly migratory fish stocks had been subject to heavy and little-regulated fishing, with some stocks continuing to be overfished, welcomed the fact that a growing number of States and other entities, as well as regional and subregional fishery management organizations and arrangements, had adopted legislation, established regulations or taken other measures to implement the provisions of the Agreement, and urged them to enforce those measures fully. It also called upon States and other entities and regional and subregional fishery management organizations and arrangements that had not done so to consider taking measures to implement the provisions of the Agreement.
3. In resolution 51/35 the Assembly also requested the Secretary-General to report to it at its fifty-second session and biennially thereafter on further developments relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, including the status and implementation of the Agreement, taking into account information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations (FAO), and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements for the conservation and management of straddling and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations, and urged States, relevant specialized agencies, international organizations, intergovernmental bodies and non-governmental organizations that had not yet done so to provide information to the Secretary-General to ensure as comprehensive a report as possible (see A/52/487, paras. 20-24).
4. Accordingly, the Secretary-General sent a note verbale to all States drawing their attention to General Assembly resolution 51/35. Letters were also addressed to relevant intergovernmental organizations and organizations and bodies of the United Nations system, as well as regional and subregional fisheries organizations and arrangements and relevant non-governmental organizations. In response, the Secretary-General received a number of submissions and comments. He wishes to express his appreciation for all the contributions.

II. INFORMATION PROVIDED BY STATES

5. In its response dated 12 June 1997, Barbados indicated that, although it was not a member of the International Commission for the Conservation of Atlantic Tunas, it was considering adopting the Commission's minimum size regulations as part of its domestic fisheries management legislation. In addition, international vessels using Barbados for the trans-shipment of highly migratory species were monitored while in port and data were collected on catch and effort.

6. In its reply of 13 June 1997, Mauritius reported that it had acceded to the 1995 Fish Stocks Agreement on 25 March 1997 and that it had been a member of the Indian Ocean Tuna Commission since 24 November 1994.

7. In its submission of 13 June 1997, Kiribati stated that it had already taken steps at the national level to conserve and manage highly migratory fish species, including tuna stocks, by limiting the number of purse-seiners allowed to fish within its exclusive economic zone and by imposing a 60-mile fishing limit off Tarawa and Kiritimati to foreign fishing vessels licensed to fish in Kiribati waters. Its current bilateral agreements with distant-water fishing nations incorporated terms and conditions relating to the management of the tuna resources, such as the placement of observers on board fishing vessels, the obligation to report upon entry and exit from the exclusive economic zone, the provision of catch data, the facilitation of surveillance and identification and the requirement that all vessels comply with the international standard specifications for the marking and identification of fishing vessels. At the regional level, together with other members of the South Pacific Forum Fisheries Agency, Kiribati was working to establish a management arrangement for the tuna resources within the region through the creation of a subcommittee of the Agency with the specific task of developing the modalities of such an arrangement and ensuring consistency with the conservation and management regime of the 1995 Fish Stocks Agreement.

8. In its letter dated 27 June 1997, Latvia indicated that it had 15 high-seas vessels fishing in the areas covered by the Northwest Atlantic Fisheries Organization and the North-East Atlantic Fisheries Commission, as well as in the exclusive economic zones of several African countries, including Mauritania, Morocco and Senegal. Although Latvia did not have separate regulations for high-seas fishery, fishing vessels flying its flag had complied with existing conservation and management fishing norms, quotas and regulations applicable to all fishing areas. In addition, Latvia had provided statistical catch reports to the competent regional fishery commissions and FAO.

9. In its response of 30 June 1997, Maldives stated that, in accordance with the provisions of the 1995 Fish Stocks Agreement requiring States to provide fisheries data to regional or subregional fisheries management organizations, it had collected and submitted time series of catch and efforts statistics concerning different types of fisheries to the relevant regional bodies. Purse-seining was prohibited in its exclusive economic zone.

10. In its submission of 1 July 1997, Fiji indicated that it had already signed and ratified the 1995 Fish Stocks Agreement and had complied with General

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Assembly resolutions relating to fisheries issues. At the national level, Fiji had adopted a tuna policy requiring the establishment of a total allowable catch for various species of tuna harvested in its exclusive economic zone, based on scientific information provided by the South Pacific Commission and data supplied by vessels fishing within the zone. The number of vessels allowed to operate in the exclusive economic zone was also limited to 150 in order to ensure sustainable development of its resources. The naval component of the Fiji military force enforced fishing regulations.

11. In addition, Fiji indicated that, at the regional level, as a member of the South Pacific Forum Fisheries Agency, it had received advice from that organization on the management and conservation of tuna stocks. It pointed out that the mandate of the Agency allowed it to monitor foreign fishing throughout the region. As a result, member States had accepted the concept of promoting the optimum utilization of highly migratory species of tuna in the area as a common property belonging to all members of the Agency.

12. In its reply of 2 July 1997, Pakistan stated that it fully supported the 1995 Fish Stocks Agreement and had initiated the process of ratifying it.

13. In its submission of 9 July 1997, Peru indicated that it had not signed the 1995 Fish Stocks Agreement. However, in its General Fisheries Act, which contains regulations, fisheries management plans and other regulatory measures, Peru had taken into account the basic principles of responsible fisheries provided in the United Nations Convention on the Law of the Sea and various international fisheries agreements, including the 1995 Fish Stocks Agreement.

14. The fisheries management rules included in Peru's General Fisheries Act provided that fisheries should be managed on the basis of up-to-date knowledge of all relevant factors. The Act also allowed it to establish a system of management that would reconcile the principle of sustainability of fisheries resources with the economic and social benefits derived from their exploitation. Such an approach would therefore take into account, as appropriate, access regimes, total allowable catch, levels of fishing effort, closed and open seasons, minimum catch sizes, prohibited or reserved areas, fishing gear and techniques, as well as monitoring and control of fishing activities.

15. In view of the importance of the 1995 Fish Stocks Agreement for the management of high-seas fisheries and the interdependence of such fisheries with those in zones under national jurisdiction, several countries in the region (Chile, Colombia, Ecuador and Peru), through the Permanent South Pacific Commission had been gathering scientific information on the resources from foreign fleets fishing on the high seas adjacent to zones under their jurisdiction. National and regional meetings were also being organized in order to enhance the technical capacity of the countries of the region.

16. In its response dated 10 July 1997, the Republic of Korea indicated that in order to implement the provisions of the 1995 Fish Stocks Agreement it had taken the following measures: joining 12 international fisheries organizations, including the International Commission for the Conservation of Atlantic Tunas and the Indian Ocean Tuna Commission, and applying to join other organizations and arrangements, including the Commission for the Conservation of Southern

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Bluefin Tuna; submitting annual fishing statistics to, inter alia, the International Commission for the Conservation of Atlantic Tunas, the Commission for the Conservation of Antarctic Marine Living Resources and the South Pacific Forum Fisheries Agency; organizing an annual research cruise in the Bering Sea to survey pollock resources; conducting scientific monitoring of and studying stock status, ecological characteristics, tagging, marine mammals and discards of straddling fish stocks and highly migratory fish stocks; and incorporating the recommendations of the International Commission for the Conservation of Atlantic Tunas and regulations of the Western Central Atlantic Fishery Commission into domestic rules and regulations.

17. In its submission of 11 July 1997, Colombia reported that it had included in its legal regime regulations and practices relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, in particular General Fishing Act No. 13 of 1990 and Regulatory Decree No. 2256 of 1991, which provided measures relating to fisheries management; Agreement No. 5 of the National Institute for Fishery and Aquaculture regulating fishing gear, methods and systems for catching marlin, sailfish, swordfish and related species; and resolutions 095 of 1994 and 02 of 1995 regulating tuna fishing in the Pacific Ocean by fishing vessels with a capacity of over 400 tons flying the Colombian flag.

18. Although Colombia was not a member of the Inter-American Tropical Tuna Commission, it had participated in its meetings as an observer and had accepted the recommendations of the 1992 La Jolla Agreement and the 1995 Panama Declaration regarding the protection of dolphins in yellowfin tuna fisheries in the eastern Pacific Ocean.

19. In addition, Colombia pointed out that member States of the Permanent South Pacific Commission had established a working group on fisheries assessment and management in the south-eastern Pacific Ocean as an advisory organ to the Commission, with the task of compiling information on highly migratory and straddling species for the purpose of helping member countries to adopt strategies and actions for the conservation and management of those resources.

20. In its reply of 11 July 1997, the Russian Federation indicated that it had ratified the 1995 Fish Stocks Agreement on 26 April 1997. It also stated that it had endeavoured to incorporate the provisions of the Agreement into its national legislation and to ensure its implementation. In that respect a bill on fisheries and the protection of marine biodiversity under consideration in the Federal Assembly of Russia, as well as negotiations and preparation of international agreements on fisheries, had taken into account the provisions of the Agreement.

21. In its response of 23 July 1997, Norway stated that it had ratified the 1995 Fish Stocks Agreement on 30 December 1996 after its unanimous approval by the Norwegian Parliament. Negotiations were in progress among coastal States and States having a real interest in the north-eastern Arctic cod fisheries to establish appropriate management arrangements for the part of the stock found in areas beyond national jurisdiction. In addition, an agreement between the European Union, the Faroe Islands, Iceland, Norway and the Russian Federation was concluded in Oslo on 14 December 1996 for the regulation of fishing by those

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countries for Norwegian spring-spawning herring in 1997. The agreement was followed by a North-East Atlantic Fisheries Commission regulation establishing management of the stock for areas outside national jurisdiction. A 1996 North-East Atlantic Fisheries Commission regulation had also established management of the straddling stock of redfish found both within and beyond areas of national jurisdiction in the Convention area for 1997.

22. In its reply of 24 July 1997, the United Arab Emirates reported that it was cooperating with neighbouring countries in various fisheries projects. It was also cooperating in the conservation and management of highly migratory fish stocks through the Indian Ocean Fishery Commission and the Indian Ocean Tuna Commission.

23. In its submission dated 29 July 1997, the United States of America indicated that it was pleased to have played a substantial role in the successful negotiation of the 1995 Fish Stocks Agreement. It had signed the Agreement on 4 December 1995 and had deposited its instrument of ratification with the Secretary-General on 21 August 1996.

24. The United States considered the Agreement to be a major achievement in promoting better stewardship of marine life, and it was committed to bringing the Agreement into force as rapidly as possible. In fulfilling that commitment, it had embarked in September 1995 on a campaign to promote, through diplomatic channels, the signing and ratification of the Agreement, presenting requests since then to more than 130 United Nations Member States. Appeals had also been made to non-member States to adhere to the principles of the Agreement.

25. In addition, the United States emphasized that it was currently a party to a number of regional and subregional fishery management organizations and arrangements to which the Agreement would apply. The Agreement would strengthen the ability of regional organizations and arrangements to carry out their conservation and management responsibilities. That belief had led the United States to encourage those organizations and arrangements which managed straddling and highly migratory fish stocks to apply provisionally key provisions of the Agreement, such as those related to the precautionary approach, transparency, participation by new members, compliance and enforcement and fishing activities of non-members and non-participants, before its entry into force. It intended in the coming months and years to work to achieve widespread adherence to those provisions, and was also prepared to work with other members of the international community to establish organizations and arrangements in regions where none existed in accordance with the relevant provisions of the Agreement.

26. In its report of 12 August 1997, the Philippines indicated that it had signed the 1995 Fish Stocks Agreement on 29 August 1996 and was currently in the process of completing its internal requirements to be bound by the Agreement. Part of that process was related to the existence or establishment of appropriate regional or subregional fisheries conservation and management organizations or arrangements. The Philippines intended to participate actively in negotiations on the establishment of such organizations or arrangements. It had also drawn up a comprehensive programme to prepare for the coming into force of the Agreement and had participated in the Second Multilateral High-Level

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Conference on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific (Majuro, 10-13 June 1997), which adopted the Majuro Declaration by acclamation (see also para. 49).

27. In its reply of 13 August 1997, Italy indicated that it had signed the 1995 Fish Stocks Agreement on 26 June 1996 and that the process of ratifying it had commenced.

28. Oman reported on 22 August 1997 that it had continued to participate in regional and international organizations such as the Indian Ocean Tuna Commission and the Committee for the Development and Management of Fishery Resources of the Gulf in an endeavour to develop effective regional and international cooperation and coordination in the collection and analysis of scientific data, as well as information relating to straddling and highly migratory fish stocks with a view to ensuring better conservation and management of fishery resources.

29. In its response of 12 September 1997, the Bahamas indicated that it had no commercial fishing activities targeting any of the recognized highly migratory fish stocks.

30. On 16 September 1997, New Zealand indicated that it was continuing working towards the ratification of the 1995 Fish Stocks Agreement and, in the interim, southern bluefin tuna caught by its vessels continued to be regulated under the global quota system of the Commission for the Conservation of Southern Bluefin Tuna. A quota management system based on individual transferable quotas had been in place since 1986 for the major commercial fisheries and was widely supported by the New Zealand fishing industry. New Zealand described the individual transferable quota as a proportion of the catch limit based on scientific information such that the fish stock in question would move towards a biomass size that would support maximum sustainable yield. In general, the quota management system had been successful, according to a recent study indicating that of the fish stocks with known status, 85 per cent were above, at or very close to the desired biomass size, with rebuilding strategies in place for the remaining 15 per cent.

31. New Zealand expressed serious concern, however, about the rapid development of large-scale illegal and unregulated fishing for Antarctic toothfish over the past year in areas of the Southern Ocean. Such activities were contrary to the provisions of the Convention of the Commission for the Conservation of Antarctic Marine Living Resources and put at risk the excellent management guidelines and practices developed by the Commission in recent years to ensure the wise and sustainable management of Antarctic marine life, including effective measures to reduce seabird by-catch, a particular problem in longlining, which is the method used for toothfish harvesting.

32. There was strong evidence that illegal fishing activities were damaging the vulnerable dependent and associated ecosystems of Antarctica and of the Southern Ocean around the continent and were having effects beyond the region covered by the Commission for the Conservation of Antarctic Marine Living Resources. New Zealand believed that the far-sighted ecosystem management provided in the Convention was the best means to ensure the sustainable use of

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marine resources in the rich Southern Ocean, the world's last largely pristine ocean. It was therefore working with other Commission members to address the toothfish problem and was confident that the Convention itself would effectively meet the challenge. It also intended to work to develop effective responses at the regional level with States affected by the illegal fishing.

33. In its submission of 23 September 1997, Thailand reported that it had undertaken several activities in relation to the 1995 Fish Stocks Agreement, including conducting a seminar in July 1996 attended by more than 100 participants from the public and private sectors to analyse the provisions of the Agreement, translating the Agreement into the Thai language and disseminating it to the seminar's participants, reviewing whether the Fisheries Act B.E. 2490 (1947) was in conformity with the conservation and management measures of the Agreement and other relevant obligations, assessing the distribution of straddling and highly migratory fish stocks for the purpose of devising conservation and management measures and applying for membership to the Indian Ocean Tuna Commission. The Department of Fisheries was about to request the Government to consider Thailand's accession to the 1995 Fish Stocks Agreement.

III. INFORMATION PROVIDED BY INTERNATIONAL ORGANIZATIONS

A. Specialized agencies of the United Nations system

34. In its response dated 15 July 1997, FAO submitted a report stating that it had taken a number of initiatives both to publicize the importance of the 1995 Fish Stocks Agreement and to facilitate more concretely the Agreement's implementation. In particular, the Committee on Fisheries Subcommittee on Fish Trade, at its fifth session in Germany in 1996, endorsed the call for action to implement the 1995 Fish Stocks Agreement, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement) and the Code of Conduct for Responsible Fisheries, contained in the Kyoto Declaration and Plan of Action, adopted at the International Conference on the Sustainable Contribution of Fisheries to Food Security (Kyoto, Japan, 4-9 December 1995).

35. In the Plan of Action adopted at the World Food Summit, convened by FAO (Rome, 13-17 November 1996), Governments made a commitment to promote the early ratification and implementation of the 1995 Fish Stocks Agreement and the Compliance Agreement and to implement the Code of Conduct. In the Plan of Action, Governments are urged in particular to implement sustainable fisheries management practices in line with the objectives of the Kyoto Declaration and Plan of Action and other international instruments. The Committee on Fisheries, at its twenty-second session (Rome, 17-20 March 1997), was reminded of the FAO reporting role on global fisheries matters, including reporting on the 1995 Fish Stocks Agreement. The Committee agreed that the 1995 Fish Stocks Agreement and the 1993 Compliance Agreement contained key elements pertaining to the sustainability of fisheries and recommended that countries ratify the Agreement as soon as possible.

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36. The Coordinating Working Party on Fishery Statistics, at its seventeenth session (Australia, March 1997), reviewed a number of international initiatives concerning fisheries management. It was noted that of particular relevance to fisheries statistics were the 1995 Fish Stocks Agreement and the Code of Conduct, both of which should lead to greater incentives to collect reliable fishery data.

37. FAO also reported that at the request of the Organization of Eastern Caribbean States, it had undertaken a mission in the Caribbean subregion for the purpose of identifying legal and other needs concerning the implementation of the 1995 Fish Stocks Agreement and the FAO Compliance Agreement. The principal recommendation of the mission was that a subregional workshop should be held to consider the implementation of the Agreement at the national, regional and international levels, and that draft model legislation should be prepared for possible use by members of the Organization of Eastern Caribbean States.

38. In addition, FAO indicated that the 1995 Fish Stocks Agreement was being considered by all FAO regional fishery bodies for which straddling fish stocks and highly migratory fish stocks were of importance, in order to ensure that members of those bodies were fully conversant with the scope, objectives and importance of the Agreement in their respective areas.

B. Organs, organizations and programmes of the United Nations system

39. In its response of 15 May 1997, the United Nations Development Programme (UNDP) indicated that it had provided funding to FAO over a period of 15 years, which had facilitated the establishment of the Indian Ocean Tuna Commission in December 1996. UNDP had also helped FAO to initiate a decentralized training programme called Train-Fish for the implementation of the Code of Conduct for Responsible Fisheries, modelled on the successful Train-Sea-Coast programme of the Office of Legal Affairs Division for Ocean Affairs and the Law of the Sea.

40. In its submission dated 25 June 1997, the United Nations Environment Programme (UNEP) stated that as part of its effort to protect the marine and coastal environment, including the promotion of significant international and regional environmental agreements, it had assisted in the implementation of the 1995 Fish Stocks Agreement by addressing issues related to protection, conservation and management of living marine resources. In addition, a UNEP/World Wide Fund for Nature national resource management workshop was held (Geneva, June 1997) to discuss the role of trade policies in the fishing sector. The aim of the workshop was to clarify the role of fishing subsidies as a major contributor to the global fisheries crisis and to develop recommendations and strategies for policy options to ensure sustainable trade in fish.

41. In its report of 4 July 1997, the Economic Commission for Latin America and the Caribbean (ECLAC) indicated that consideration of the various implications of the 1995 Fish Stocks Agreement was part of its programmes of work for 1996-1997 and 1998-1999. ECLAC was currently preparing a study on the positions of different countries of the region vis-à-vis the Agreement and the degree to which its cooperation mechanisms were being adopted by regional and

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subregional organizations in Latin America and the Caribbean. For the next biennium, it would consider analysing the status of the Agreement by 1998 and its efficiency in protecting the fishing interests of the region, taking into account its economic and environmental components.

42. ECLAC had prepared a study in which the Agreement was analysed in respect of its contribution to the conservation and sustainable use of coastal and marine biodiversity.

C. Regional and subregional fisheries organizations and arrangements

43. In its submission of 22 April 1997, the Latin American Fisheries Development Organization reported that a resolution adopted at the 11th regular meeting of its Conference of Ministers had reaffirmed the resolve of the Conference to participate actively in the effective implementation of the 1995 Fish Stocks Agreement. To that end, the resolution provided for the establishment of a regional consultation and coordination mechanism to help Latin American countries to implement sustainable fisheries development policies within the framework of the United Nations Convention on the Law of the Sea.

44. The Organization had conducted a study in which it analysed the 1995 Fish Stocks Agreement as well as suggestions on procedures and steps to be taken by Latin American countries to further their cooperation and to safeguard their rights and interests. Those suggestions included an invitation to each country to study the Agreement in the light of its national interests, a recommendation to apply provisionally the Agreement, a recommendation eventually to ratify or to accede to the Agreement and a proposal to convene preparatory meetings of Latin American and Caribbean coastal States to coordinate their positions on the following issues: the fish stocks to be covered by the Agreement, the areas to be managed and management criteria, including the relevance of geographical distribution and the compatibility of conservation and management measures, the role to be given to existing fisheries organizations or the need to establish new organizations, and assistance required from relevant international organizations in choosing management options.

45. In order to promote regional coordination in all aspects of fisheries activities, the Organization had formulated a project financed by the Inter-American Development Bank to assist countries of the region to implement the 1995 Fish Stocks Agreement, the FAO Compliance Agreement and the Code of Conduct for Responsible Fisheries, to provide support for the establishment of regional or subregional fisheries organizations or the strengthening of existing ones, to provide assistance in concluding fisheries agreements and in harmonizing legislation, to provide assistance in resource assessment, and to promote cooperation among States of the region in the conservation and management of fisheries resources.

46. In its response of 1 May 1997, the Inter-American Tropical Tuna Commission indicated that at an intergovernmental meeting held in conjunction with its 56th meeting in Panama, it had adopted two declarations relevant to the implementation of the 1995 Fish Stocks Agreement. In the first declaration,

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member States expressed their intention to establish a legally binding instrument to formalize the Agreement for the protection of dolphins and to adopt conservation and management measures that would ensure the long-term stability of tuna stocks and other stocks of living marine resources in the eastern Pacific Ocean, on the basis of the best scientific evidence, including a precautionary methodology. In the second declaration, in order to strengthen the objectives and operations of the convention establishing the Commission, member States had stressed the need to initiate negotiations for the formulation of a new binding instrument that would, inter alia, be interpreted and applied in a manner consistent with the relevant provisions of the 1995 Fish Stocks Agreement.

47. On 16 June 1997, the Northwest Atlantic Fisheries Organization stated that the 1995 Fish Stocks Agreement had and would have implications for the Organization. As to the management of straddling fish stocks, it also indicated that it was the policy of the Organization to ensure, on the one hand, consistency between conservation and management measures adopted in the regulatory area and those established by the coastal State in areas under its national jurisdiction and, on the other hand, to provide monitoring, control, surveillance and enforcement, including the reporting and recording of catches, by-catches and discards; inspection; a hail system; an observer scheme; and satellite tracking to ensure compliance with conservation and management measures.

48. The Permanent South Pacific Commission established by Chile, Colombia, Ecuador and Peru, had created a special working group on fisheries evaluation and management for the region, with a specific component on straddling and highly migratory fish stocks. The working group had held its first meeting in May 1997.

49. The South Pacific Forum Fisheries Agency reported that, in relation to steps taken to implement the 1995 Fish Stocks Agreement, the Second Multilateral High-Level Conference on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific (Majuro, 10-13 June 1997) had focused on measures to implement the Agreement. The Majuro Declaration, which was adopted at the Conference, contained a commitment to establish a mechanism for the conservation and management of highly migratory fish stocks of the region in accordance with the United Nations Convention on the Law of the Sea and the 1995 Fish Stocks Agreement. Other high-level conferences were scheduled for 1998 and 1999 to finalize the mechanism to be established.

50. The Asia-Pacific Fishery Commission reported that it had taken action to inform its members about the adoption of the 1995 Fish Stocks Agreement and to highlight the implications of the Agreement for the area covered by the Commission. In addition to providing technical assistance to the Government of Thailand in translating the Agreement into the Thai language, it had worked with Thai officials to organize a national seminar on straddling fish stocks and highly migratory fish stocks in July 1996, attended by Government officials, representatives from the private sector and universities.

51. The General Fisheries Council for the Mediterranean indicated that it had taken action to bring to the attention of its members the importance of the 1995

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Fish Stocks Agreement. The Agreement was considered at the Technical Consultation on Stock Assessment in the Western Mediterranean (Morocco, October 1996) and at the Technical Consultation on Stock Assessment in the Central and Eastern Mediterranean (Cyprus, December 1996).

52. The South Pacific Commission reported that the collection of catch and effort data from domestic tuna fleets in the region had long been identified as a major problem, which had been aggravated by the expansion of domestic fleets in recent years. States with domestic fleets in which the coverage of catch and effort data collected was poor included Fiji, with 35 long-liners and 8 pole-and-line vessels, Kiribati, with 2 pole-and-line vessels and 1 purse-seiner, Marshall Islands, with 4 long-liners, New Caledonia, with 8 long-liners, Papua New Guinea, with 11 long-liners and 4 purse-seiners, Tonga, with 9 long-liners and Vanuatu, with 2 long-liners and 2 purse-seiners. Distant-water tuna fleets operating in the South Pacific Commission area for which the coverage of catch and effort data collected was poor included vessels from China (435 long-liners) and the Philippines (13 purse-seiners). The Commission further indicated that no steps had been taken recently by the States listed above to improve the collection of catch and effort data concerning their fleets, as required in the 1995 Fish Stocks Agreement.

53. The North Atlantic Salmon Conservation Organization advised the Secretary-General that in 1996, its Council had welcomed the 1995 Fish Stocks Agreement and had recognized that although it did not apply to salmon, the Agreement contained provisions that could contribute to the international conservation and management of North Atlantic salmon.

54. The North-East Atlantic Fisheries Commission indicated that it had recently adopted recommendations on management measures for two straddling stocks, namely, oceanic redfish and Norwegian spring spawning herring, which were compatible with the 1995 Fish Stocks Agreement. The Commission also pointed out that there was no incompatibility between the North-East Atlantic Fisheries Commission Convention and the 1995 Fish Stocks Agreement. However, the Convention was now 16 years old, and, with that in mind, a working group was established to study the future of the Commission. During its discussions, reference was made to the United Nations Convention on the Law of the Sea, the 1995 Fish Stocks Agreement and the Code of Conduct for Responsible Fisheries. Another working group of the Commission was established to study fisheries control and enforcement issues.

55. The International Commission for the Conservation of Atlantic Tunas indicated that it had included the 1995 Fish Stocks Agreement on the agenda of its 1996 meeting and the matter had been considered at length. The Commission felt that the Agreement would have a considerable impact on many aspects of its activities. However, some contracting parties considered that it was premature to delve into the matter further at that time since they had not yet ratified the Agreement. Although the Commission then decided to postpone discussions on the subject and to include it on the agenda of its 1997 meeting, it adopted many recommendations on the conservation of tuna and tuna-like species, including high-seas species, that were consistent with the provisions of the 1995 Fish Stocks Agreement.

56. The International Baltic Sea Fishery Commission reported that its decisions in recent years had been in line with the 1995 Fish Stocks Agreement.

57. In its submission dated 18 August 1997, the Commission for the Conservation of Southern Bluefin Tuna welcomed the adoption of the 1995 Fish Stocks Agreement and would take into account relevant international obligations.

58. The Commission for the Conservation of Southern Bluefin Tuna was established under the Convention for the Conservation of Southern Bluefin Tuna, which entered into force on 20 May 1994 following ratification by Australia, Japan and New Zealand. The Convention had established a scientific committee to assess and analyse the status and trends of the population of southern bluefin tuna, coordinate research and studies, report to the Commission its findings or conclusions and make recommendations, as appropriate, on matters concerning the conservation, management and optimum utilization of southern bluefin tuna.

59. To achieve the objectives of the Convention, which were to ensure, through appropriate management, the conservation and optimum utilization of southern bluefin tuna, the Commission decided upon the total allowable catch of southern bluefin tuna and its allocation among parties, or other appropriate measures on the basis of the report and recommendations of the scientific committee. For the 1996/97 fishing year, the Commission agreed that the total allowable catch of southern bluefin tuna for participating parties would remain at the levels in effect the previous year, which was 11,750 tons, with national allocations of 6,065 tons to Japan, 5,265 tons to Australia and 420 tons to New Zealand. While it was acknowledged that the stock of southern bluefin tuna was currently at a level requiring rebuilding, recent assessments suggested that existing management actions had averted further stock decline. The Commission would continue to refine the scientific assessments of the stock, and management strategies would be reviewed in the light of those assessments to ensure that its objective was achieved.

60. The Commission added that the Convention recognized that southern bluefin tuna was a highly migratory species that migrated through the exclusive economic or fishery zones of several countries and the high seas and was caught in fishing operations undertaken by nationals from a number of countries and entities. The preamble to the Convention recognized the obligations of parties to pay due regard to their rights and obligations under relevant principles of international law. The Commission invited other States whose vessels were engaged in fishing for southern bluefin tuna, or any other coastal State through whose exclusive economic or fishery zone southern bluefin tuna migrated, to accede to the Convention. Entities were also encouraged to cooperate in the management of the southern bluefin tuna stock by applying the Commission's conservation and management measures.

D. Other intergovernmental organizations

61. On 16 May 1997, the Commonwealth Secretariat reported that it had recently provided technical assistance to the Government of Namibia regarding the potential for and limitations on the establishment of a regional organization for straddling and highly migratory fish stocks. A report issued subsequently

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by the Commonwealth Secretariat covered such issues as straddling and highly migratory fish stock management in the south-eastern Atlantic and international and regional fisheries management organizations that dealt with such fish stocks. The report also recommended the establishment of a south-east Atlantic fisheries regional organization and made suggestions regarding the operation of such an organization. The report would be used for consultations among the Governments of Namibia, South Africa, Angola and the United Kingdom of Great Britain and Northern Ireland Territory of St. Helena, including Ascension Island and the Tristan da Cunha island group.

62. In its letter of 7 July 1997, the International Council for the Exploration of the Sea reported that it had provided advice to the North-East Atlantic Fisheries Commission for the management of straddling stocks of oceanic redfish, blue whiting and Norwegian spring-spawning herring. With respect to the management of those stocks, the Council recommended that catches of oceanic redfish should not be allowed to increase over 1993-1996 levels because of inadequate knowledge of the distribution and productivity of the stocks; the present harvest control rule for Norwegian spring-spawning herring should not be exceeded, bearing in mind the possibility of a reduction of fishing to very low levels in the event that the stock biomass declined towards minimum biologically acceptable levels; and a multi-year fixed constant catch of blue whiting be allowed, although more research would be required before the long-term consequences of such a strategy could be evaluated.

63. In its submission dated 22 July 1997, the European Union (EU) reported that it and all its member States had signed the 1995 Fish Stocks Agreement by the deadline of 4 December 1996, and that the possibility of its Council taking a decision on the ratification of the Agreement by EU was currently being discussed. Moreover, EU indicated that it had taken several initiatives consistent with the Agreement concerning the establishment or the improvement of control schemes within some regional fisheries organizations, such as the North-East Atlantic Fisheries Commission.

IV. INFORMATION PROVIDED BY NON-GOVERNMENTAL ORGANIZATIONS

64. In its submission dated 25 June 1997, the World Wide Fund for Nature stated that the review of the 1995 Fish Stocks Agreement offered a critical tool to encourage accession to the Agreement and an opportunity to consider specific problem areas and propose solutions. The Fund also indicated that it considered it regrettable that the first review by the General Assembly at its fifty-first session did not address serious obstacles to an effective implementation of the Agreement, such as the apparent unwillingness of the major fishing nations to accede to it. It stressed that the slow pace of accession to the Agreement should be the main concern of the General Assembly at its fifty-second session, along with the failure by Governments and regional fisheries bodies to begin implementing the Agreement provisionally. It further indicated that the International Commission for the Conservation of Atlantic Tunas had rejected last year as premature a proposal to begin consideration of steps to implement the provisions of the Agreement in addition to its refusal of transparency, as required in article 12 of the Agreement.

65. The World Wide Fund for Nature added that the best illustration that the 1995 Fish Stocks Agreement had had little impact on high seas conservation was the current overfishing and poaching of Patagonian toadfish in the Southern Ocean. The lack of provisional application and the slow pace of accession had now become so critical that the viability of the Agreement itself was threatened. The Fund believed therefore that the General Assembly should establish a practical mechanism for overseeing regional and subregional fisheries management organizations and their implementation of the Agreement. It therefore suggested that the Assembly request that discussions of the 1995 Fish Stocks Agreement be included on the agenda of the meetings of States parties to the United Nations Convention on the Law of the Sea, and that it adopt an implementing resolution focusing on the need for timely accession to the Agreement, its provisional application and actions to safeguard, in particular, straddling or highly migratory fish stocks of concern, such as sharks.

66. In its reply of 30 June 1997, the National Resources Defense Council, on behalf of the National Audubon Society and the Ocean Wildlife Campaign, indicated that the contribution of the 1995 Fish Stocks Agreement to marine fisheries conservation, protection of non-target species and regional fishing management operations enhancement had been hampered by the non-entry into force of the Agreement and the lack of implementation of its provisions. It therefore suggested that the General Assembly call upon States and other entities to ratify or accede to the Agreement as a matter of urgent priority, and urged States and other entities to implement promptly various conservation measures contained therein. In addition, it requested that regional fishery organizations, such as the International Commission for the Conservation of Atlantic Tunas and the Northwest Atlantic Fisheries Organization, pursuant to article 12 of the Agreement relating to transparency, cease their practice of excluding non-governmental organizations from their meetings through the use of "unduly restrictive" requirements.

67. In its response of 30 June 1997, the World Conservation Union indicated that it believed that the United Nations Convention on the Law of the Sea and its subsidiary agreements provided the overall framework for developing a sustainable future for the oceans and their resources, and that in relation to fisheries issues it considered the 1995 Fish Stocks Agreement to be a key development in the potential to manage international living marine resources. It was therefore looking for ways to work with the United Nations system and the regional fisheries management organizations that were mandated to implement the Agreement, in particular by providing assistance to those bodies and in developing processes whereby a broader range of stakeholders might contribute to the regional implementation of the Agreement. Some key issues regarding straddling and migratory fish stocks that it considered to be particularly important included overcapacity, subsidies, by-catch and trade. The Union believed that increased collaboration with the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat was essential to the process and issues outlined above and welcomed the opportunity to develop a closer working relationship with it.

68. In its submission dated 29 July 1997, Greenpeace indicated that it was concerned by the slow pace of ratification of the 1995 Fish Stocks Agreement.

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It noted that populations of numerous straddling and highly migratory fish stocks continued to plummet as a result of overfishing and misguided management policies, whereas they could have benefited from many of the more progressive conservation and management measures mandated in the Agreement.

69. Greenpeace reported that the southern bluefin tuna population in the southern Indian Ocean, Tasman Sea and South Pacific waters around Australia and New Zealand faced a severe challenge to its survival after several decades of overfishing by vessels from several countries. The situation, according to Greenpeace, epitomized the shortcomings in the management of highly migratory species today, including the current management of the southern bluefin tuna by the Commission for the Conservation of Southern Bluefin Tuna, which was prepared to endanger marine biological diversity for the sake of continued fishing profits in the short term. The southern bluefin tuna population had been reduced by overfishing to less than 5 per cent, and perhaps as low as 2 per cent, of the level that existed before heavy fishing for the species began. It was forecast that if current fishing levels continued, the species had only about a 15 per cent chance of recovering within the next quarter of a century. According to Greenpeace, the World Conservation Union had proposed listing the southern bluefin tuna as a critically endangered species on its "red list" of endangered species.

70. Greenpeace indicated that since the States concerned seemed to run fisheries as if the survival of the species were of secondary importance, it had decided to campaign vigorously in Australia and New Zealand, as well as internationally, for the suspension of southern bluefin fishing until the population had recovered to biologically safe levels throughout its historical range and until successful measures for avoiding the incidental capture of seabirds and reducing the by-catch of other ecologically related species had been proven and implemented.

71. Greenpeace therefore suggested that in view of the fact that most regional fisheries management organizations lacked transparency, it might be useful to establish, under the auspices of the General Assembly, an international authority to oversee the fisheries management of those regional organizations.

Annex

STATUS OF THE AGREEMENT FOR THE IMPLEMENTATION OF
THE PROVISIONS OF THE UNITED NATIONS CONVENTION
ON THE LAW OF THE SEA OF 10 DECEMBER 1982 RELATING
TO THE CONSERVATION AND MANAGEMENT OF STRADDLING
FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS
(AS AT 15 OCTOBER 1997)

States and one entity that have signed the Agreement (59): Argentina, Australia, Austria, Bangladesh, Belgium, Belize, Brazil, Burkina Faso, Canada, China, Côte d'Ivoire, Denmark, Egypt, Fiji, Finland, France, Gabon, Germany, Greece, Guinea-Bissau, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Luxembourg, Maldives, Marshall Islands, Mauritania, Micronesia (Federated States of), Morocco, Namibia, Netherlands, New Zealand, Niue, Norway, Pakistan, Papua New Guinea, Philippines, Portugal, Republic of Korea, Russian Federation, Saint Lucia, Samoa, Senegal, Seychelles, Spain, Sri Lanka, Sweden, Tonga, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Vanuatu; European Union

States that have ratified or acceded to the Agreement (15): Bahamas, Fiji, Iceland, Mauritius, Micronesia (Federated States of), Nauru, Norway, Russian Federation, Saint Lucia, Samoa, Senegal, Solomon Islands, Sri Lanka, Tonga and United States of America.

States that have agreed to a provisional application of the Agreement: 0
